

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**GABRIEL HOYLE,**

**Plaintiff,**

**v.**

**9:09-CV-831**

**S. KING, et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

GABRIEL HOYLE

05-A-0588

Lakeview Shock Incarceration Correctional Facility

P.O. Box T

Brocton, New York 14716

Plaintiff, *Pro Se*

HON. ANDREW CUOMO

Attorney General of the State of New York

The Capitol

Albany, New York 12224

Counsel for Defendants

DOUGLAS J. GOGLIA, ESQ.

Assistant Attorney General

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 28<sup>th</sup> day of October 2010. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.


After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Plaintiff's motion for summary judgment (Dkt. No. 21) is denied. This case is trial ready as of December 30, 2010.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: November 19, 2010  
Syracuse, New York



Norman A. Mordue  
Chief United States District Court Judge